

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOSEPH GONZALEZ, as the
Personal Representative of the
Estate of Tshante Gonzalez,
Deceased,

Plaintiff,

V.

THE COMANCHE COUNTY
FACILITIES AUTHORITY, *et al.*,

Defendants.

Case No. CIV-24-1022-D

ORDER

On January 13, 2025, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), United States Magistrate Judge Suzanne Mitchell issued the following: (1) a Report and Recommendation [Doc. No. 44] in which she recommends the Court deny Defendants James T. Smith's and Brandy Kirkpatrick-Benton's motions to dismiss; and (2) a Report and Recommendation [Doc. No. 45] in which she recommends the Court deny Defendant City of Lawton's motion to dismiss.¹

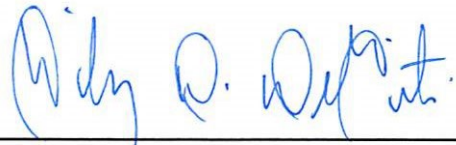
In each R&R, Judge Mitchell advised the parties of their right to file an objection, as well as the consequences associated with failing to timely do so. Upon review of the file and noting no timely objection to the findings and recommendations set forth in either R&R, the Court adopts each R&R in its entirety.

¹ The Court refers to each Report and Recommendation individually as an “R&R.”

Based on the thorough and well-reasoned analysis set forth in each R&R [Doc. Nos. 44, 45], the following motions to dismiss are **DENIED**:

- Motion to Dismiss Plaintiff's Complaint by City of Lawton [Doc. No. 28];
- Motion to Dismiss Plaintiff's Complaint by Defendant Smith [Doc. No. 29]; and
- Motion to Dismiss Plaintiff's Complaint by Defendant Kirkpatrick-Benton [Doc. No. 32].

IT IS SO ORDERED this 5th day of February, 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge